

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	<b>Case No.</b> _____
<b>Plaintiff,</b>	)	
	)	<b>Violations:</b>
<b>v.</b>	)	<b>18 U.S.C. § 371: Conspiracy;</b>
	)	<b>18 U.S.C. § 1341: Mail Fraud;</b>
	)	<b>18 U.S.C. § 1343: Wire Fraud;</b>
<b>WILLIAM R. BARTMANN,</b>	)	<b>18 U.S.C. § 1344: Bank Fraud;</b>
<b>GERTRUDE ANN BRADY, and</b>	)	<b>18 U.S.C. § 1956(h):</b>
<b>JIMMY BRUCE HADDEN,</b>	)	<b>Money Laundering Conspiracy;</b>
	)	<b>18 U.S.C. § 1956(a)(1)(A)(i):</b>
<b>Defendants.</b>	)	<b>Money Laundering;</b>
	)	<b>18 U.S.C. § 2: Causing a Criminal Act;</b>
	)	<b>18 U.S.C. § 982: Criminal Forfeiture</b>
	)	

**S U P E R S E D I N G   I N D I C T M E N T**

**THE GRAND JURY CHARGES:**

At all times material to this Indictment:

**INTRODUCTION**

1. Commercial Financial Services, Inc. ("CFS") was a business incorporated in the State of Oklahoma, which maintained its principal place of business in Tulsa, Oklahoma.
2. Defendant WILLIAM R. BARTMANN was a founder and chairman of the board of directors and chief executive officer of CFS.
3. Defendant GERTRUDE ANN BRADY was the Director of Investor Relations at CFS.
4. Defendant JIMMY BRUCE HADDEN was the Director of Business Development at CFS.
5. Jay L. Jones was a founder and the executive vice-president of CFS.

### **CFS and Its Business**

6. CFS was incorporated in 1986 by defendant WILLIAM R. BARTMANN, Jay L. Jones and another person. BARTMANN owned and controlled approximately 80% of the outstanding shares of stock in CFS and he closely supervised and controlled every aspect of its business affairs.

7. CFS was engaged in the business of buying unpaid debt at a substantially discounted price and then attempting to collect the debt from the debtors. From 1995 until it filed for bankruptcy protection in December 1998, CFS acquired unpaid debt with a total face amount of more than \$14 billion dollars.

8. Beginning in or about 1996, CFS focused its business primarily on purchasing and collecting delinquent credit card debt.

### **The CFS Securitizations**

9. A securitization is a process in which assets, such as unpaid debt, are bundled together in a pool for sale to investors who purchase interests in the pool in the form of securities.

10. Beginning in 1995, CFS raised money from numerous securitizations through which it sold securities backed by pools of unpaid debt to institutional investors such as banks and insurance companies. The securities, known as “asset-backed securities,” generated income for investors from collections made by CFS.

11. Defendant WILLIAM R. BARTMANN was responsible for, participated in and controlled each facet of the business of CFS and the securitization process, including acquisition of credit card accounts, structuring of the securitization offerings, promotion of the securitization offerings to investors, and reporting of collection results to investors and others.

12. Defendant GERTRUDE ANN BRADY supervised the daily business operations of CFS and was responsible for preparing monthly reports of its collections for each securitization which were sent to trustees, rating agencies and investors.

13. Defendant JIMMY BRUCE HADDEN was responsible for acquiring credit card accounts and negotiating “forward flow” purchase contracts which committed CFS to the ongoing purchase of accounts. Beginning in or about January 1997, defendant HADDEN became responsible for managing the marketing and sale of packages of credit card accounts.

14. The CFS securitizations were designed as follows:

- a. CFS purchased unpaid debt in the form of delinquent credit card accounts from banks or other holders of consumer debt.
- b. CFS formed pools of the accounts and sold each pool to a trust which was formed for the purpose of issuing securities to investors.
- c. The trust then sold securities to institutional investors based on representations by CFS that its collections would produce sufficient income to provide the investors with a return of principal and interest.
- d. The total proceeds from the sale of securities to investors significantly exceeded the purchase price CFS paid for the accounts in the pool and provided substantial funds to CFS.
- e. CFS was responsible for collecting debt payments and “servicing” the credit card debt on behalf of each trust in exchange for a fee based on a percentage of the amount of funds collected. The securitization agreements permitted CFS to sell a portion of the assets of the trust and the proceeds could be included in the amount of collections reported by CFS.
- f. The trusts made principal and interest payments to the investors from the funds CFS collected on the pool of accounts.
- g. CFS was obligated to make monthly reports of its collections for each securitization which were sent to trustees, rating agencies and investors.

- h. Under the terms of the trusts, CFS was entitled to keep any residual funds collected after the investors received payment of their principal and interest in full.

15. The process of securitizing the credit card debt at CFS involved several different parties as follows:

- a. A “placement agent” was a financial services company which provided advice and assistance to CFS about the formation and structure of the securitization and then sold the asset-backed securities to investors. Chase Securities, Inc., BT Alex. Brown and NationsBank Montgomery Securities LLC (a subsidiary of NationsBank, N.A.) acted as the placement agents for the CFS securitizations.

- b. A “special purpose trust” was a trust through which interests in the pools of credit card debt were created and offered for sale to investors. The trusts acquired the credit card debt and, in turn, issued securities which were sold to investors. CFS received all proceeds from the sale of securities after payment of the expenses associated with the securitizations.

- c. A “rating agency” was an independent company which CFS hired to provide an assessment of the risk associated with a particular investment and to rate such investments. Investors relied upon ratings in deciding whether to purchase the securities issued by the trusts. A high credit rating was crucial to the success of the CFS securitizations. If a credit rating was downgraded, the securities would be reduced in value and the marketability of future securities would be diminished. Standard & Poor’s, Moody’s, Duff & Phelps Credit Rating Co. (“Duff & Phelps”) and Fitch, IBCA (“Fitch”) acted as the rating agencies for the CFS securitizations.

- d. A “trustee” was an entity which performed certain fiduciary duties on behalf of the investors including the distribution of principal and interest payments to investors from the

funds remitted to the trustee by CFS as a result of its collection efforts. Norwest Bank and Bankers Trust Company acted as the trustees in the CFS securitizations.

16. From May 1995 through September 1998, CFS sponsored a total of fifteen securitizations involving trusts known as “Securitized Multiple Assets Rated Trusts” (“SMART”) and the “Global Rated Eligible Asset Trust” (“GREAT”) (collectively “the CFS trusts”). Altogether, the CFS trusts issued securities totaling more than \$2 billion dollars and from which CFS realized net proceeds of approximately \$750 million in excess of its cost of acquiring the assets. CFS referred to each securitization by a number consisting of the year of issuance and a sequential number in order of issuance during that year. The following table lists the CFS securitizations, the date on which they closed, the approximate amount of the offering, and the placement agents and rating agencies involved:

NAME	DATE	AMOUNT	PLACEMENT AGENTS	RATING AGENCIES
SMART 95-1	5/31/95	\$ 80,000,000	None	Standard & Poor’s
SMART 95-2	12/22/95	\$ 53,000,000	None	Standard & Poor’s
SMART 96-1	3/25/96	\$ 86,300,000	None	Standard & Poor’s
SMART 96-2	6/19/96	\$ 72,000,000	Chase Securities	Standard & Poor’s
SMART 96-3	8/27/96	\$ 100,000,000	Chase Securities	Standard & Poor’s Moody’s
SMART 96-4	12/23/96	\$ 85,000,000	Chase Securities	Standard & Poor’s Moody’s
SMART 97-1	2/07/97	\$ 65,000,000	Chase Securities	Standard & Poor’s Moody’s
SMART 97-2	3/06/97	\$ 150,000,000	Chase Securities	Standard & Poor’s Duff & Phelps

SMART 97-3	4/10/97	\$ 147,500,000	Chase Securities	Standard & Poor's Duff & Phelps
SMART 97-4	8/06/97	\$ 176,000,000	Chase Securities	Standard & Poor's Duff & Phelps Fitch
SMART 97-5	9/29/97	\$ 190,000,000	Chase Securities	Standard & Poor's Duff & Phelps Fitch
SMART 97-6	12/10/97	\$ 220,000,000	Chase Securities BT Alex. Brown	Standard & Poor's Duff & Phelps Fitch
SMART 98-1	2/27/98	\$ 206,050,000	Chase Securities BT Alex. Brown	Standard & Poor's Duff & Phelps Fitch
GREAT 98-A	6/30/98 7/2/98	\$ 249,050,000 \$ 486,777,000	Chase Securities BT Alex. Brown NationsBanc Montgomery Securities, LLC	Standard & Poor's Duff & Phelps Fitch
GREAT 98-B	9/30/98	\$ 195,070,000	BT Alex. Brown NationsBanc Montgomery Securities, LLC	Standard & Poor's Duff & Phelps Fitch

### **The “ECR Model”**

17. Beginning in early 1996, defendant WILLIAM R. BARTMANN concentrated the business of CFS exclusively on the acquisition and securitization of unpaid credit card debt. In order for CFS to estimate the value of a pool of assets consisting entirely of credit card accounts, it was necessary to predict how much money could be collected from those accounts.

18. Defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY, and Jay L. Jones created a system for predicting the amount of collections from each pool of accounts which they called the “Estimated Cash Recovery” (“ECR”) model. By early 1997, defendants

BARTMANN, BRADY and HADDEN and others knew that the ECR model greatly overestimated likely collections and created the false expectation that CFS could collect funds significantly in excess of the amount necessary to pay the investors in full.

### **The Collections and Reports to Investors**

19. Defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY, and Jay L. Jones and others used the ECR model to make projections of future revenue which would be available to pay investors each month. The “Base Case” was a monthly target for collections necessary to produce revenue at the full ECR level over the life of the securitization. Defendants BARTMANN and BRADY claimed that CFS’s collections consistently met or exceeded the base case level. Rating agencies established the “Stress Case” to determine the minimum amount of collections necessary to pay the investors with nothing left over and to avoid default.

20. In assigning a rating for the CFS securities, the rating agencies relied upon CFS’s representations of its ability to achieve its “base case” targets each month.

21. CFS was obligated to make monthly reports of its collections for each securitization which were sent to trustees, rating agencies and investors.

### **The Sale of Accounts**

22. In or about late 1996, defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY, and Jay L. Jones and others learned that collections being obtained in several of the securitizations were insufficient to meet the “base case” projections. Later, in order to make up for the shortfall in collections, BARTMANN sold some credit card accounts from the CFS trusts and included the sale proceeds as part of collections reported for the month.

23. From January 1997 through August 1997, defendant WILLIAM R. BARTMANN authorized and directed defendants GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN to manage the sale of credit card accounts to a financial services company in Ohio which produced approximately \$18 million to enhance monthly collections in six separate CFS trusts.

24. In or about September 1997, the Ohio company informed CFS that it would no longer purchase accounts from the CFS trusts. Thereafter, defendant WILLIAM R. BARTMANN directed defendants GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN to locate another buyer of accounts but none was found. Having failed to find a permissible way to enhance CFS's financial performance, defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY, together with Jay L. Jones and others, devised a scheme to do so through fraudulent means.



**COUNT 1**  
(Conspiracy, 18 U.S.C. § 371)

Introduction

1. The Grand Jury repeats and re-alleges the allegations contained in paragraphs 1 through 24 of the Introduction to this Indictment as though set forth in full herein.

2. Dimat, Inc. (“Dimat”) was a shell corporation used by defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN, along with Jay L. Jones and others, to make fraudulent purchases of credit card accounts from the CFS trusts in order to inflate collections and falsely create the appearance that CFS was collecting funds in excess of the amount needed to make payments of principal and interest to investors.

3. Calamity Jones Entertainment, Inc. (“Calamity”) was a company owned and controlled by Jay L. Jones which was used by defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY and Jay L. Jones and others as a conduit to transfer funds from CFS through Calamity bank accounts to Dimat in order to conceal the source of the funds used by Dimat to purchase accounts from CFS trusts.

The Conspiracy

4. From in or about September 1997 to in or about June 2002, in the Northern District of Oklahoma and elsewhere, the defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN and others known and unknown to the grand jury, did knowingly and willfully combine, conspire, confederate and agree together and with each other to commit certain offenses against the United States, namely,

- a. To devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises and knowingly cause to be delivered by a private and commercial interstate carrier, according to the directions thereon, certain matters and things for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1341;
- b. To devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises and knowingly to transmit and cause to be transmitted, by means of wire communication in interstate commerce, certain writings, signs, signals and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343;
- c. To knowingly execute and attempt to execute a scheme and artifice to defraud NationsBank, in violation of Title 18, United States Code, Section 1344.

**Purpose of the Conspiracy**

5. A purpose of the conspiracy was for the defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN and their co-conspirators to enrich themselves and fraudulently obtain money by promoting the sale of asset-backed securities to investors by misrepresenting the performance of existing CFS trusts.

### **Manner and Means of the Conspiracy**

Among the manner and means by which defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN and other persons known and unknown to the grand jury would and did carry out this conspiracy were the following:

6. It was a part of the conspiracy that the defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN, and Jay L. Jones, knowing that existing CFS trusts were not producing sufficient collections, engaged in activities designed to conceal the true performance of the trusts.

7. It was a further part of the conspiracy that defendant WILLIAM R. BARTMANN and Jay L. Jones secretly used proceeds from the sale of securities to new investors to purchase credit card accounts from existing CFS trusts to fraudulently inflate reported collections in those trusts.

8. It was a further part of the conspiracy that defendant WILLIAM R. BARTMANN and Jay L. Jones fraudulently used proceeds from the sale of securities to new investors to make principal and interest payments to previous investors.

9. It was a further part of the conspiracy that defendant WILLIAM R. BARTMANN and Jay L. Jones fraudulently purchased credit card accounts from CFS trusts to: (a) prevent the default of existing trusts; (b) obtain and maintain an inflated rating for securities issued by the CFS trusts; (c) enable CFS to continue receiving servicing and management fees; (d) induce prospective investors to invest in new securitizations; and (e) induce financial institutions to guarantee investments in CFS securities.

10. It was a further part of the conspiracy that defendant WILLIAM R. BARTMANN and Jay L. Jones obtained money from CFS in the form of shareholder advances and distributions of

equity in order to fund purchases of credit card accounts from the CFS trusts in the name of a shell corporation known as Dimat, Inc.

11. It was a further part of the conspiracy that defendant WILLIAM R. BARTMANN and Jay L. Jones transferred funds fraudulently obtained by CFS to Dimat through Calamity bank accounts in order to conceal the source and ownership of the funds.

12. It was a further part of the conspiracy that defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN, and Jay L. Jones fraudulently caused Dimat to purchase credit card accounts from the CFS trusts in order to conceal the identity of BARTMANN and Jones as the real purchasers.

13. It was a further part of the conspiracy that defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN, and Jay L. Jones fraudulently used Dimat to make purchases of credit card accounts from the CFS trusts with money derived from other CFS securitizations, in order to create the appearance that CFS was making collections sufficient to pay its investors and to induce new investors to purchase securities in reliance upon the false reports of collections.

14. It was a further part of the conspiracy that defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY, and Jay L. Jones created false and fraudulent reports which overstated collections by including the proceeds from the fraudulent sales of accounts to Dimat.

15. It was a further part of the conspiracy that defendant WILLIAM R. BARTMANN and Jay L. Jones took millions of dollars from CFS for their personal use and benefit in the form of salaries, advances and shareholder distributions.

16. It was a further part of the conspiracy that, after questions arose concerning the true ownership and funding of Dimat, defendant WILLIAM R. BARTMANN and Jay L. Jones presented a false explanation for the transfer of CFS funds to Dimat and created fraudulent documents to support their false explanation for the purpose of concealing and covering up their use of Dimat.

### **Overt Acts**

In furtherance of the conspiracy and to achieve the objects of the conspiracy, defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN and others committed and caused to be committed the following overt acts, among others, in the Northern District of Oklahoma and elsewhere:

### **The Creation of Dimat**

17. In or about early September 1997, defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY, and Jay L. Jones devised a plan to create a shell corporation for the purpose of purchasing credit card accounts from the CFS trusts with funds provided by BARTMANN and Jones.

18. On or about September 22, 1997, defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY, and Jay L. Jones caused an attorney in Shawnee, Oklahoma to incorporate Dimat, Inc., in the State of Oklahoma.

### **Receipt of Net Proceeds Procured by Fraud**

19. On or about December 10, 1997, CFS received funds in the amount of \$98,383,718.55 constituting the proceeds to CFS from the securitization designated as SMART 97-6.

20. On or about February 27, 1998, CFS received funds in the amount of \$88,121,493.11 constituting the proceeds to CFS from the securitization designated as SMART 98-1.

21. On or about June 30, 1998, CFS received funds in the amount of \$88,726,291.09 constituting the proceeds to CFS from the securitization designated as GREAT 98-A.

22. On or about September 30, 1998, CFS received funds in the amount of \$64,685,289.00 constituting the proceeds to CFS from the securitization designated as GREAT 98-B.

### **Defendant Bartmann's Shareholder Advances and Distributions**

23. From September 1997 through December 1997, defendant WILLIAM R. BARTMANN received money from CFS in the form of three shareholder advances totaling more than \$11 million.

24. On or about January 20, 1998, defendant WILLIAM R. BARTMANN obtained money from CFS in the form of shareholder distributions totaling approximately \$42,711,548, a substantial portion of which was proceeds of the SMART 97-6 securitization.

25. On or about April 14, 1998, defendant WILLIAM R. BARTMANN obtained money from CFS in the form of shareholder distributions of approximately \$13,299,823, a substantial portion of which was proceeds of the SMART 98-1 securitization.

### **The Transfer of Funds to Dimat**

26. On 17 occasions from September 1997 through August 1998, defendant WILLIAM R. BARTMANN and Jay L. Jones transferred and caused to be transferred funds, including CFS funds totaling more than \$60 million, to Calamity bank accounts for the purpose of funding fraudulent purchases by Dimat of credit card accounts from the CFS trusts.

27. On or about December 10, 1997, an attorney in Shawnee, Oklahoma, opened a bank account at the First National Bank of Shawnee in the name of Dimat, Inc.

28. On 15 occasions from September 1997 through September 1998, defendant WILLIAM R. BARTMANN and Jay L. Jones transferred and caused to be transferred by wire communication in interstate commerce funds totaling more than \$60 million from Calamity bank accounts to the trust account of an attorney in Shawnee, Oklahoma, and to a Dimat bank account for the purpose of funding fraudulent purchases by Dimat of credit card accounts from the CFS trusts.

**The Fraudulent Sale of Accounts to Dimat**

29. On or about September 23, 1997, defendant GERTRUDE ANN BRADY informed defendant JIMMY BRUCE HADDEN that an attorney in Shawnee, Oklahoma, was interested in purchasing credit card accounts from the CFS trusts.

30. On or about September 23, 1997, defendant JIMMY BRUCE HADDEN telephoned an attorney in Shawnee, Oklahoma, concerning the sale of credit card accounts to Dimat.

31. On or about September 26, 1997, defendant JIMMY BRUCE HADDEN sent an e-mail to defendant GERTRUDE ANN BRADY informing her that he had created a package for sale to an attorney in Shawnee, Oklahoma, consisting of credit card accounts of debtors who had made no payments.

32. On approximately a monthly basis from September 1997 through September 1998, with the exception of March 1998, defendant GERTRUDE ANN BRADY informed defendant JIMMY BRUCE HADDEN of the amount of money CFS needed to reach its collection goals that month and instructed HADDEN to assemble a package of credit card accounts for sale from the CFS trusts to Dimat in order to produce the needed revenue.

33. On approximately four occasions from September 1997 through September 1998, GERTRUDE ANN BRADY instructed defendant JIMMY BRUCE HADDEN to increase the amount of credit card accounts being sold to Dimat because CFS needed additional revenue to reach its collection goals for that month.

34. On approximately a monthly basis from September 1997 through September 1998, with the exception of March 1998, defendant JIMMY BRUCE HADDEN managed the sale of credit card accounts from the CFS trusts to Dimat.

35. On multiple occasions from September 1997 through September 1998, defendant GERTRUDE ANN BRADY told Jay L. Jones the amount Dimat should bid in order to purchase various packages of credit card accounts from the CFS trusts.

36. On at least one occasion from October 1997 through September 1998, defendant GERTRUDE ANN BRADY told an attorney in Shawnee, Oklahoma, the amount Dimat should bid to purchase accounts that month.

37. On at least one occasion from October 1997 through September 1998, defendant JIMMY BRUCE HADDEN told an attorney in Shawnee, Oklahoma, the amount Dimat should bid to purchase accounts that month.

38. On or about April 10, 1998, defendant JIMMY BRUCE HADDEN sent an email to a co-worker which stated: "Without sales packages, no sale. No sales, no revenue. No revenue, the securitizations bust. The securitizations bust, no CFS. It's really that simple."

39. In or about April 1998, defendant JIMMY BRUCE HADDEN falsely told a co-worker that Dimat was a group of attorneys and that they were "OK."



40. In or about the last week of May 1998, defendant GERTRUDE ANN BRADY telephoned the secretary of an attorney in Shawnee, Oklahoma, to arrange for the second sale of accounts to Dimat that month.

41. On or about May 30, 1998, defendant GERTRUDE ANN BRADY directed a co-worker to assemble a pool of credit card accounts for a supplemental sale to Dimat that month.

42. On or about June 1, 1998, defendant JIMMY BRUCE HADDEN directed his assistant to fax a bid sheet to Dimat which contained the bid numbers already filled in.

43. On 12 occasions from September 1997 through September 1998, defendant WILLIAM R. BARTMANN and Jay L. Jones secretly purchased credit card accounts from the CFS trusts in the name of Dimat which were funded by 27 wire transfers of monies in interstate commerce totaling more than \$63 million from a Dimat bank account and an attorney's trust account to lockbox accounts maintained in the name of the various CFS trusts.

#### **The False Reports to Investors and Rating Agencies**

44. For each month from October 1997 through October 1998, with the exception of March 1998, defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY, and Jay L. Jones caused CFS to create false and fraudulent monthly servicing reports for the CFS securitizations which overstated collections by including the proceeds from the fraudulent sales of accounts to Dimat, and then sent the reports or caused them to be sent by commercial interstate carrier to investors and rating agencies.

45. On or about the dates set forth below, defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY, and Jay L. Jones fraudulently caused the rating agencies to issue inflated ratings in connection with the closing of the securitizations as listed by submitting false and

misleading information to them concerning the collections performance of previous CFS trusts and by failing to disclose the sale of accounts to Dimat:

DATE	SECURITIZATION
December 10, 1997	SMART 97-6
February 27, 1998	SMART 98-1
June 30, 1998	GREAT 98-A
September 30, 1998	GREAT 98-B

46. On or about April 8, 1998, defendant WILLIAM R. BARTMANN caused a false and fraudulent letter to be distributed to rating agencies and investors which falsely explained that CFS's poor collection performance in March 1998 was attributable to three specific reasons and omitted the material fact that a major reason for the shortfall was the company's failure to sell accounts from the CFS trusts to Dimat or any other buyer that month.

#### **The Fraud on NationsBank**

47. On several occasions from in or about March 1998 through June 1998, defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY falsely informed representatives of NationsBank that CFS historically had achieved collection rates greater than 100% of its ECR.

48. During a meeting with representatives of NationsBank in late May or early June 1998, defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY falsely attributed CFS's poor collection performance in March 1998 to three specific reasons and omitted the material fact that a major reason for the shortfall was the company's failure to sell accounts from the CFS trusts to Dimat or any other buyer that month.

49. On or about July 1, 1998, defendants WILLIAM R. BARTMANN and GERTRUDE ANN BRADY fraudulently induced NationsBank, N.A. (now known as Bank of America) to guarantee a commercial investment in asset-backed securities of up to \$310 million in connection with the funding of GREAT 98-B by submitting false and misleading information to NationsBank concerning the collections performance of previous CFS trusts and by failing to disclose the sale of accounts to Dimat.

50. On or about October 28, 1998, NationsBank paid in excess of \$130 million on its obligation to guarantee a commercial investment in asset-backed securities, after the rating agencies downgraded the rating of CFS securities.

**Defendant Bartmann's False Explanation of the Dimat Scheme**

51. On or about October 16, 1998, defendant WILLIAM R. BARTMANN called a meeting of CFS executives at which he falsely denied any connection to Dimat and any knowledge concerning the allegations contained in an anonymous letter received by the rating agencies.

52. Between October 16, 1998, and October 19, 1998, defendant WILLIAM R. BARTMANN and Jay L. Jones created false and fraudulent stock transfer documents which purported to substantiate sales of CFS stock by Jones to BARTMANN and falsely explained the transfer of more than \$50 million from BARTMANN to Jones.

53. On or about October 19, 1998, defendant WILLIAM R. BARTMANN delivered and caused to be delivered the fraudulent stock transfer documents to CFS executives in an effort to disguise his role in the scheme.

54. On or about December 4, 1998, defendant WILLIAM R. BARTMANN presented a false and fraudulent document to CFS entitled "Second Amendment to Amended and Restated

Shareholders Agreement” which purported to amend the CFS Shareholders Agreement by removing restrictions on any stock sale transactions between BARTMANN and Jay L. Jones and which purported to have been effective on October 27, 1997.

55. The Grand Jury incorporates herein by reference the allegations as set forth in Counts 2 through 31 as overt acts committed by defendant BARTMANN and others in furtherance of this conspiracy.

All in violation of Title 18, United States Code, Section 371.

**COUNTS 2 – 11**  
(Mail Fraud, 18 U.S.C. § 1341)

1. The Grand Jury repeats and re-alleges the allegations contained in paragraphs 1 through 24 of the Introduction to this Indictment as though set forth in full herein.

**The Scheme**

2. The Grand Jury repeats and re-alleges the allegations contained in paragraphs 2, 3 and 6 through 55 of Count 1 of this Indictment as though set forth in full herein, as describing the defendants' scheme and artifice to defraud and to obtain money and property from investors by means of materially false and fraudulent pretenses, representations and promises.

**Execution of the Scheme**

3. On or about the date of each count as listed below, in the Northern District of Oklahoma and elsewhere, the defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN, as set forth below, for the purpose of executing the above-described scheme and artifice, and attempting to do so, deposited and caused to be deposited the matters and things listed below to be sent and delivered by a private and commercial interstate carrier:

COUNT	DEFENDANT	DATE	FROM	TO	DESCRIPTION
2	BARTMANN	December 8, 1997	CFS, Tulsa, OK	Standard & Poor's, New York, NY	Copy of the monthly reports sent to trustees, investors and rating agencies
3	BARTMANN	January 8, 1998	CFS, Tulsa, OK	Standard & Poor's, New York, NY	Copy of the monthly reports sent to trustees, investors and rating agencies

COUNT	DEFENDANT	DATE	FROM	TO	DESCRIPTION
4	BARTMANN	February 9, 1998	CFS, Tulsa, OK	Standard & Poor's, New York, NY	Copy of the monthly reports sent to trustees, investors and rating agencies
5	BARTMANN	March 9, 1998	CFS, Tulsa, OK	Standard & Poor's, New York, NY	Copy of the monthly reports sent to trustees, investors and rating agencies
6	BARTMANN	May 8, 1998	CFS, Tulsa, OK	Standard & Poor's, New York, NY	Copy of the monthly reports sent to trustees, investors and rating agencies
7	BARTMANN	June 8, 1998	CFS, Tulsa, OK	Standard & Poor's, New York, NY	Copy of the monthly reports sent to trustees, investors and rating agencies
8	BARTMANN	July 8, 1998	CFS, Tulsa, OK	Standard & Poor's, New York, NY	Copy of the monthly reports sent to trustees, investors and rating agencies
9	BARTMANN, BRADY and HADDEN	August 10, 1998	CFS, Tulsa, OK	Standard & Poor's, New York, NY	Copy of the monthly reports sent to trustees, investors and rating agencies
10	BARTMANN, BRADY and HADDEN	September 9, 1998	CFS, Tulsa, OK	Standard & Poor's, New York, NY	Copy of the monthly reports sent to trustees, investors and rating agencies
11	BARTMANN, BRADY and HADDEN	October 8, 1998	CFS, Tulsa, OK	Standard & Poor's, New York, NY	Copy of the monthly reports sent to trustees, investors and rating agencies

All in violation of Title 18, United States Code, Section 1341 and Section 2.

**COUNTS 12 – 30**  
(Wire Fraud, 18 U.S.C. § 1343)

1. The Grand Jury repeats and re-alleges the allegations contained in paragraphs 1 through 24 of the Introduction to this Indictment as though set forth in full herein.

2. The Fedwire system is an electronic funds transfer system used by the Federal Reserve to facilitate the transfer of funds from one member bank to another through a common routing system which utilizes a central clearinghouse computer located in New York, New York.

**The Scheme**

3. The Grand Jury repeats and re-alleges the allegations contained in paragraphs 2, 3 and 6 through 55 of Count 1 of this Indictment as though set forth in full herein, as describing the defendants' scheme and artifice to defraud and to obtain money and property from investors by means of materially false and fraudulent pretenses, representations and promises.

**Execution of the Scheme**

4. On or about the date of each count as listed below, in the Northern District of Oklahoma and elsewhere, the defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN, as set forth below, transmitted and caused to be transmitted by means of wire communication in interstate commerce via the Fedwire system, certain writings, signs, signals and sounds, for the purpose of executing the above-described scheme and artifice, as described below:

<b>WIRES TO CFS OF NET PROCEEDS PROCURED BY FRAUD:</b>					
<b>COUNT</b>	<b>DEFENDANT</b>	<b>DATE</b>	<b>FROM</b>	<b>TO</b>	<b>DESCRIPTION</b>
12	BARTMANN	12/10/97	Chase Manhattan Bank, New York, NY	BankOne, Tulsa, OK CF/SPC GTD 97-6, Inc., acct #020036079	\$98,383,718.55 net proceeds of SMART 97-6 via the Fedwire system
13	BARTMANN	2/27/98	Chase Manhattan Bank, New York, NY	BankOne, Tulsa, OK CF/SPC GTD 98-1, Inc., acct #621014604	\$88,121,493.11 net proceeds of SMART 98-1 via the Fedwire system
14	BARTMANN	6/30/98	Chase Manhattan Bank, New York, NY	BankOne, Tulsa, OK CF/SPC GREAT, Inc., acct #621015270	\$88,726,291.09 net proceeds of GREAT 98-A via the Fedwire system
15	BARTMANN, BRADY and HADDEN	9/30/98	Bankers Trust Co., BT Alex. Brown, Inc. New York, NY	BankOne, Tulsa, OK CF/SPC GREAT, Inc. acct #621015270	\$64,685,289.00 net proceeds of GREAT 98-B via the Fedwire system



<b>WIRES OF PROCEEDS TO DEFENDANT BARTMANN:</b>					
<b>COUNT</b>	<b>DEFENDANT</b>	<b>DATE</b>	<b>FROM</b>	<b>TO</b>	<b>DESCRIPTION</b>
16	BARTMANN	12/26/97	Valley National Bank, Tulsa, OK CFS account #1020315	Bank of Oklahoma Tulsa, OK Bartmann account #847417460	\$2,000,000 proceeds of shareholder advance to Bartmann from proceeds of SMART 97-6 via the Fedwire system
17	BARTMANN	1/20/98	BankOne, Tulsa, OK CF/SPC 1996, Inc. account #020890061	Bank of Oklahoma Tulsa, OK Bartmann account #810114557	\$7,668,032.83 proceeds of distribution to Bartmann from proceeds of SMART 97-6 via the Fedwire system
18	BARTMANN	1/20/98	BankOne, Tulsa, OK CF/SPC 1996, Inc. account #020890061	Bank of Oklahoma Tulsa, OK Bartmann account #810114557	\$7,668,032.83 proceeds of distribution to Bartmann from proceeds of SMART 97-6 via the Fedwire system
19	BARTMANN	1/20/98	BankOne, Tulsa, OK CF/SPC 1996, Inc. account #020890061	Bank of Oklahoma Tulsa, OK Bartmann account #810114513	\$501,146.19 proceeds of distribution to Bartmann from proceeds of SMART 97-6 via the Fedwire system

COUNT	DEFENDANT	DATE	FROM	TO	DESCRIPTION
20	BARTMANN	1/20/98	BankOne, Tulsa, OK CF/SPC 1996, Inc. account #020890061	Bank of Oklahoma Tulsa, OK Bartmann account #810114524	\$501,146.19 proceeds of distribution to Bartmann from proceeds of SMART 97-6 via the Fedwire system
21	BARTMANN	1/20/98	BankOne, Tulsa, OK CF/SPC 1996, Inc. account #020890061	Bank of Oklahoma Tulsa, OK Bartmann account #810114227	\$877,253.92 proceeds of distribution to Bartmann from proceeds of SMART 97-6 via the Fedwire system
22	BARTMANN	1/20/98	BankOne, Tulsa, OK CF/SPC 1996, Inc. account #020890061	Bank of Oklahoma Tulsa, OK Bartmann account #810114249	\$877,253.92 proceeds of distribution to Bartmann from proceeds of SMART 97-6 via the Fedwire system
23	BARTMANN	1/20/98	BankOne, Tulsa, OK CF/SPC 1996, Inc. account #020890061	Bank of Oklahoma Tulsa, OK Bartmann account #810114260	\$877,253.92 proceeds of distribution to Bartmann from proceeds of SMART 97-6 via the Fedwire system

COUNT	DEFENDANT	DATE	FROM	TO	DESCRIPTION
24	BARTMANN	1/21/98	BankOne, Tulsa, OK CF/SPC 1996, Inc. account #020890061	Bank of Oklahoma Tulsa, OK Bartmann account #810114238	\$877,253.92 proceeds of distribution to Bartmann from proceeds of SMART 97-6 via the Fedwire system
25	BARTMANN	4/13/98	BankOne, Tulsa, OK CFS account #028200040	Bank of Oklahoma Tulsa, OK Bartmann account #810114557	\$4,147,447.62 proceeds of distribution to Bartmann from proceeds of GREAT 98-1 via the Fedwire system
26	BARTMANN	4/13/98	BankOne, Tulsa, OK CFS account #028200040	Bank of Oklahoma Tulsa, OK Bartmann account #810114535	\$1,981,878.00 proceeds of distribution to Bartmann from proceeds of GREAT 98-1 via the Fedwire system
27	BARTMANN	4/14/98	BankOne, Tulsa, OK CFS account #028200040	Bank of Oklahoma Tulsa, OK Bartmann account #810114557	\$4,147,447.62 proceeds of distribution to Bartmann from proceeds of GREAT 98-1 via the Fedwire system

<b>WIRES FROM DEFENDANT BARTMANN TO CALAMITY:</b>					
<b>COUNT</b>	<b>DEFENDANT</b>	<b>DATE</b>	<b>FROM</b>	<b>TO</b>	<b>DESCRIPTION</b>
28	BARTMANN	12/22/97	Tulsa National Bank Tulsa, OK Certificate of Deposit #13322	Bank of Oklahoma Tulsa, OK Calamity account #847477586	\$1,000,000 proceeds from certificate of deposit via the Fedwire system
29	BARTMANN	12/22/97	Tulsa National Bank Tulsa, OK Certificate of Deposit #13322	Bank of Oklahoma Tulsa, OK Calamity account #847477586	\$1,000,000 proceeds from certificate of deposit via the Fedwire system
30	BARTMANN	12/22/97	Tulsa National Bank Tulsa, OK Certificate of Deposit #13322	Bank of Oklahoma Tulsa, OK Calamity account #847477586	\$257,170.95 proceeds from certificate of deposit via the Fedwire system

All in violation of Title 18, United States Code, Section 1343 and Section 2.

## **COUNT 31**

(Bank Fraud, 18 U.S.C. § 1344)

1. The Grand Jury repeats and re-alleges the allegations contained in paragraphs 1 through 24 of the Introduction to this Indictment as though set forth in full herein.

2. NationsBank, NA (“NationsBank”), now known as Bank of America, was a financial institution as defined in 18 U.S.C. § 20, the deposits of which were insured by the Federal Deposit Insurance Corporation.

3. Enterprise Funding Corporation (“Enterprise”) was a commercial investment firm known as a “conduit,” which made an investment in CFS securities.

### **The Scheme**

4. The Grand Jury repeats and re-alleges the allegations contained in paragraphs 2, 3 and 6 through 55 of Count 1 of this Indictment as though set forth in full herein, as describing defendant BARTMANN’s scheme and artifice to defraud NationsBank.

### **Manner and Means of the Scheme**

5. It was a part of the scheme and artifice that defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN would fraudulently induce NationsBank to create a financial arrangement by which investors, such as Enterprise, agreed to purchase CFS securities.

6. It was a further part of the scheme and artifice that defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN would fraudulently induce NationsBank to guarantee a commercial investment by Enterprise in CFS securities by

submitting false and misleading information to NationsBank concerning the collections performance of previous CFS trusts and by failing to disclose the sale of accounts to Dimat.

7. It was a further part of the scheme and artifice that defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN would fraudulently induce Enterprise to purchase CFS securities in the amount of \$189 million in the securitization known as the GREAT 98-B.

8. It was a further part of the scheme and artifice that defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN would fraudulently cause NationsBank to pay more than \$130 million to fulfill its guarantee of the Enterprise investment in CFS securities when the rating agencies downgraded the rating of CFS securities.

#### **Execution of the Scheme**

9. On or about July 1, 1998, in the Northern District of Oklahoma and elsewhere, the defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN did knowingly execute the aforesaid scheme and artifice to defraud by causing NationsBank to execute an agreement that guaranteed an investment by Enterprise of up to \$310 million in CFS securities, in connection with the funding of GREAT 98-B.

All in violation of Title 18, United States Code, Section 1344 and Section 2.

## **COUNT 32**

(Money Laundering Conspiracy, 18 U.S.C. § 1956(h))

1. The Grand Jury repeats and re-alleges the allegations contained in paragraphs 1 through 24 of the Introduction to this Indictment as though set forth in full herein.

### **The Conspiracy**

2. From in or about September 1997, to in or about June 2002, in the Northern District of Oklahoma and elsewhere, the defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN and others known and unknown to the Grand Jury did knowingly and willfully combine, conspire, confederate and agree together and with each other to conduct financial transactions in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i), which transactions involved the proceeds of specified unlawful activity, namely, mail fraud in violation of Title 18, United States Code, Section 1341 and wire fraud in violation of Title 18, United States Code, Section 1343, and conducted and attempted to conduct such financial transactions affecting interstate commerce, namely, the transfer by wire communication in interstate commerce of funds from a bank account of Calamity to an attorney's trust account and a bank account of Dimat, Inc., and also from an attorney's trust account and a bank account of Dimat, Inc., to bank accounts of the CFS trusts, with the intent to promote the carrying on of the specified unlawful activities, and that while conducting and attempting to conduct such financial transactions knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity.

### **Manner and Means of the Conspiracy**

3. The Grand Jury repeats and re-alleges paragraphs 6 through 16 of Count 1 of this Indictment, as though set forth in full herein, as constituting the manner and means by which defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN and other persons known and unknown to the Grand Jury would and did carry out this conspiracy.

### **Overt Acts**

In furtherance of the conspiracy and to achieve the objects of the conspiracy, defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN and others committed and caused to be committed the following overt acts, among others, in the Northern District of Oklahoma and elsewhere:

4. The Grand Jury repeats and re-alleges paragraphs 17 through 55 of Count 1 of this Indictment, as though set forth in full herein, as constituting overt acts committed and caused to be committed by defendant WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN and others.

5. The Grand Jury repeats and re-alleges each of the financial transactions as charged in Counts 33 through 57 of this Indictment, as though set forth in full herein, as constituting overt acts committed by defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN and others.

All in violation of Title 18, United States Code, Section 1956(h).



## **COUNTS 33 – 57**

(Money Laundering, 18 U.S.C. § 1956(a)(1)(A)(i))

1. The Fedwire system is an electronic funds transfer system used by the Federal Reserve to facilitate the transfer of funds from one member bank to another through a common routing system which utilizes a central clearinghouse computer located in New York, New York.

2. On or about the dates set forth below, in the Northern District of Oklahoma and elsewhere, the defendants WILLIAM R. BARTMANN, GERTRUDE ANN BRADY and JIMMY BRUCE HADDEN, as set forth below, did knowingly conduct and attempt to conduct financial transactions affecting interstate commerce via the Fedwire system as described below, which involved the proceeds of a specified unlawful activity, that is, mail fraud, in violation of Title 18, United States Code, Section 1341, and wire fraud, in violation of Title 18, United States Code, Section 1343, with the intent to promote the carrying on of specified unlawful activity, to wit: mail fraud, in violation of Title 18, United States Code, Section 1341, wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344, and that while conducting and attempting to conduct such financial transactions knew that the property involved in the financial transactions, that is, funds in the amounts set forth below, represented the proceeds of some form of unlawful activity.

<b>WIRES FROM CALAMITY TO DIMAT:</b>					
<b>COUNT</b>	<b>DEFENDANT</b>	<b>DATE</b>	<b>FROM</b>	<b>TO</b>	<b>DESCRIPTION</b>
33	BARTMANN	12/31/97	Bank of Oklahoma Tulsa, OK Calamity account #847477586	BancFirst, Shawnee, OK attorney trust account #0010643581	\$6,150,000 wire transfer via the Fedwire system
34	BARTMANN	1/29/98	Bank of Oklahoma Tulsa, OK Calamity account #847477586	First National Bank, Shawnee, OK Dimat account #1016180	\$6,899,000 wire transfer via the Fedwire system
35	BARTMANN	2/24/98	Bank of Oklahoma Tulsa, OK Calamity account #847477586	First National Bank, Shawnee, OK Dimat account #1016180	\$6,500,734 wire transfer via the Fedwire system
36	BARTMANN	4/29/98	Bank of Oklahoma Tulsa, OK Calamity account #847477586	First National Bank, Shawnee, OK Dimat account #1016180	\$9,018,000 wire transfer via the Fedwire system
37	BARTMANN	5/27/98	Bank of Oklahoma Tulsa, OK Calamity account #847477586	First National Bank, Shawnee, OK Dimat account #1016180	\$8,312,300 wire transfer via the Fedwire system
38	BARTMANN	5/29/98	Bank of Oklahoma Tulsa, OK Calamity account #847477586	First National Bank, Shawnee, OK Dimat account #1016180	\$285,000 wire transfer via the Fedwire system

COUNT	DEFENDANT	DATE	FROM	TO	DESCRIPTION
39	BARTMANN	6/29/98	Bank of Oklahoma Tulsa, OK Calamity account #847477586	First National Bank, Shawnee, OK Dimat account #1016180	\$1,577,000 wire transfer via the Fedwire system
40	BARTMANN and BRADY	7/30/98	Bank of Oklahoma Tulsa, OK Calamity account #847477586	First National Bank, Shawnee, OK Dimat account #1016180	\$4,950,000 wire transfer via the Fedwire system
41	BARTMANN and BRADY	8/28/98	Bank of Oklahoma Tulsa, OK Calamity account #847477586	First National Bank, Shawnee, OK Dimat account #1016180	\$1,295,000 wire transfer via the Fedwire system
42	BARTMANN and BRADY	9/29/98	Bank of Oklahoma Tulsa, OK Calamity account #847477586	First National Bank, Shawnee, OK Dimat account #1016180	\$1,670,000 wire transfer via the Fedwire system

<b>WIRES FROM DIMAT TO TRUST LOCKBOXES:</b>					
<b>COUNT</b>	<b>DEFENDANT</b>	<b>DATE</b>	<b>FROM</b>	<b>TO</b>	<b>DESCRIPTION</b>
43	BARTMANN	1/2/98	BancFirst, Shawnee, OK attorney trust account #0010643581	BankOne, Tulsa, OK SMART 96-2 lockbox account #020891069	\$1,409,016 wire transfer for purchase of accounts from SMART 96-2 via the Fedwire system
44	BARTMANN	1/2/98	BancFirst, Shawnee, OK attorney trust account #0010643581	BankOne, Tulsa, OK SMART 96-3 lockbox account #020926063	\$1,599,192 wire transfer for purchase of accounts from SMART 96-3 via the Fedwire system
45	BARTMANN	1/2/98	BancFirst, Shawnee, OK attorney trust account #0010643581	BankOne, Tulsa, OK SMART 96-4 lockbox account #020973065	\$1,223,954 wire transfer for purchase of accounts from SMART 96-4 via the Fedwire system
46	BARTMANN	1/2/98	BancFirst, Shawnee, OK attorney trust account #0010643581	BankOne, Tulsa, OK SMART 97-1 lockbox account #021061068	\$861,581 wire transfer for purchase of accounts from SMART 97-1 via the Fedwire system
47	BARTMANN	1/2/98	BancFirst, Shawnee, OK attorney trust account #0010643581	BankOne, Tulsa, OK SMART 97-2 lockbox account #026989065	\$845,989 wire transfer for purchase of accounts from SMART 97-2 via the Fedwire system
48	BARTMANN	1/2/98	BancFirst, Shawnee, OK attorney trust account #0010643581	BankOne, Tulsa, OK SMART 97-3 lockbox account #026976062	\$201,980 wire transfer for purchase of accounts from SMART 97-3 via the Fedwire system

COUNT	DEFENDANT	DATE	FROM	TO	DESCRIPTION
49	BARTMANN	1/29/98	First National Bank, Shawnee, OK Dimat account #1016180	BankOne, Tulsa, OK SMART 96-2 account #020891069	\$6,898,170 wire transfer for purchase of accounts from SMARTs 96-2, 96-3, 96-4, 97-1, 97-2, & 97-3 via the Fedwire system
50	BARTMANN	2/27/98	First National Bank, Shawnee, OK Dimat account #1016180	BankOne, Tulsa, OK SMART 96-2 account #020891069	\$8,449,017 wire transfer for purchase of accounts from SMARTs 96-2, 96-3, 96-4, 97-1, 97-2, 97-3, & 97-4 via the Fedwire system
51	BARTMANN	4/30/98	First National Bank, Shawnee, OK Dimat account #1016180	BankOne, Tulsa, OK SMART 96-2 account #020891069	\$9,017,219 wire transfer for purchase of accounts from SMARTs 96-2, 96-3, 96-4, 97-1, 97-2, 97-3, & 97-4 via the Fedwire system
52	BARTMANN	5/28/98	First National Bank, Shawnee, OK Dimat account #1016180	BankOne, Tulsa, OK SMART 96-2 account #020891069	\$8,312,270 wire transfer for purchase of accounts from SMARTs 96-2, 96-3, 96-4, 97-1, 97-2, 97-3, & 97-4 via the Fedwire system

COUNT	DEFENDANT	DATE	FROM	TO	DESCRIPTION
53	BARTMANN	6/1/98	First National Bank, Shawnee, OK Dimat account #1016180	BankOne, Tulsa, OK SMART 96-2 account #020891069	\$2,458,307 wire transfer for purchase of accounts from SMARTs 96-2, 96-3, 96-4, 97-1, 97-2, 97-3, 97-4 & 97-5 via the Fedwire system
54	BARTMANN	6/30/98	First National Bank, Shawnee, OK Dimat account #1016180	BankOne, Tulsa, OK SMART 96-2 account #020891069	\$1,576,170.09 wire transfer for purchase of accounts from SMARTs 96-2, 96-4 & 97-2 via the Fedwire system
55	BARTMANN, BRADY and HADDEN	7/31/98	First National Bank, Shawnee, OK Dimat account #1016180	BankOne, Tulsa, OK SMART 96-2 account #020891069	\$4,978,618.05 wire transfer for purchase of accounts from SMARTs 96-2, 96-3, 96-4, 97-1, 97-2, 97-3 & 97-5, via the Fedwire system
56	BARTMANN, BRADY and HADDEN	8/31/98	First National Bank, Shawnee, OK Dimat account #1016180	BankOne, Tulsa, OK SMART 96-2 account #020891069	\$1,295,050.30 wire transfer for purchase of accounts from SMARTs 96-2 & 96-4, via the Fedwire system
57	BARTMANN, BRADY and HADDEN	9/30/98	First National Bank, Shawnee, OK Dimat account #1016180	BankOne, Tulsa, OK SMART 96-2 account #020891069	\$1,670,552.72 wire transfer for purchase of accounts from SMARTs 96-2, 96-4 & 97-2, via the Fedwire system

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and Section 2.

**COUNT 58**  
(Criminal Forfeiture, 18 U.S.C. § 982)

As a result of committing the Mail Fraud, Wire Fraud and Bank Fraud Conspiracy alleged in Count One of this Indictment, Defendant WILLIAM R. BARTMANN shall forfeit to the United States pursuant to 18 U.S.C. § 982, any and all property constituting or derived from any proceeds said Defendant obtained directly or indirectly as a result of the conspiracy, including but not limited to the following:

1. **MONEY JUDGMENT:**

A sum of money equal to \$129,604,030 in United States Currency representing proceeds obtained as a result of the Mail Fraud, Wire Fraud and Bank Fraud Conspiracy.

2. **SUBSTITUTE ASSETS:**

If any of the above-described forfeitable property, as a result of any act or omission of the Defendant WILLIAM R. BARTMANN:

- A. cannot be located upon the exercise of due diligence;
- B. has been transferred or sold to, or deposited with, a third person;
- C. has been placed beyond the jurisdiction of the Court;
- D. has been substantially diminished in value; or
- E. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture, as a substitute asset of any other property, real or personal, including financial accounts, investments and automobiles of said Defendant WILLIAM R. BARTMANN up to the value of the above forfeitable property, including but not limited to:

1. **REAL PROPERTY:**

- A. Real Property commonly known as 10901 S. Louisville Avenue, Tulsa County, Oklahoma, or proceeds from the sale of any portion of such property, more particularly described as follows, to-wit:

A tract of land in the North Half of the Southeast Quarter of the Southwest Quarter (N/2 SE/4 SW/4) of Section Twenty-Eight (28), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County State of Oklahoma, according to the U.S. Government Survey Thereof, being more particularly described as follows:

Commencing at the Northwest Corner of said N/2 SE/4 SW/4; thence S 89°54'31"E, along the North line of said N/2 SE/4 SW/4, a distance of 991.81 feet to the point of beginning; thence continuing S 89°54'31" E. along the north line of said N/2 SE/4 SW/4, a distance of 325.52 feet to the Northeast Corner of said N/2 SE/4 SW/4; thence S 0°15'40" W, along the East line of said N/2 SE/4 SW/4, a distance of 398.71 feet; thence N 89°54'31" W, parallel to the North line of said N/2 SE/4 SW/4, a distance of 329.99 feet; thence N 0°52'57" E a distance of 398.75 feet to the point of beginning, said tract containing 3.00 acres, more or less.

AND

A tract of land in the North Half of the Southeast Quarter of the Southwest Quarter (N/2 SE/4 SW/4) of Section Twenty-Eight (28), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

Commencing at the Southwest Corner of the North Half of the North Half of the Southeast Quarter of the Southwest Quarter (N/2 N/2 SE/4 SW/4); thence N 0°12'14" E, along the West line of said N/2 SE/4 SW/4, a distance of 20.0 feet to the point of beginning; thence S 89°53'25" E, parallel to the South line of said N/2 N/2 SE/4 SW/4, a distance of 987.87



feet; thence S 0°52'57" W a distance of 40.0 feet; thence N 89°53'25" W, parallel to the South line of said N/2 N/2 SE/4 SW/4, a distance of 987.38 feet to a point in the West line of said N/2 SE/4 SW/4; thence N 0°12'14" E, along the West line of said N/2 SE/4 SW/4, a distance of 40.0 feet to the point of beginning. Said tract containing 0.91 acres more or less.

AND

A tract of land in the North Half of the Southeast Quarter of the Southwest Quarter (N/2 SE/4 SW/4) of Section 28, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, and being more particularly described as follows to-wit:

Beginning at the Southwest corner of said N/2 SE/4 SW/4; thence N 0°12'14" E, along the West line of said N/2 SE/4 SW/4, a distance of 310.33 feet; thence S 89°53'25" E, parallel to and 20.0 feet perpendicularly South of the South line of the N/2 N/2 SE/4 SW/4, a distance of 987.38 feet; thence S 0°52'57" W a distance of 47.96 feet; thence S 89°54'31" E, parallel to the North line of said N/2 SE/4 SW/4, a distance of 329.99 feet to a point in the East line of said N/2 SE/4 SW/4; thence S 0°15'40" W, along the East line of said N/2 SE/4 SW/4, a distance of 262.62 feet to the Southeast corner of said N/2 SE/4 SW/4; thence N 89°52'43" W, along the south line of said N/2 SE/4 SW/4, a distance of 1316.47 feet to the point of beginning; said tract containing 9.02 acres more or less.

AND

A tract of land in the North Half of the Southeast Quarter of the Southwest Quarter (N/2 SE/4 SW/4) of Section 28, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, and being more particularly described as follows to-wit:

Beginning at the Northwest Corner of said N/2 SE/4 SW/4; thence S 89°54'31" E, along the North Line of said N/2 SE/4 SW/4, a distance of 991.81 feet; thence S 0°52'57" W a distance of 310.79 feet; thence N 89°53'25" W, parallel to and 20.0 feet perpendicularly north of the south line of the N/2 N/2 SE/4 SW/4 a distance of 987.87 feet to a point in the West line of said N/2 SE/4 SW/4; thence N 0°12'14" E, along the West line of said N/2 SE/4 SW/4 a distance of 310.34 feet to the point of beginning; said tract containing 7.06 acres more or less,

And all contents, buildings, appurtenances, and improvements thereon;

- B. \$175,000 representing the ownership interest of Defendant WILLIAM R. BARTMANN in the Flying B. Ranch, Okmulgee County, Oklahoma, pursuant to 19 U.S.C. § 1613, more particularly described as follows, to-wit:

The NE1/4 of NE1/4 and a part of the SE1/4 of NE1/4 and a part of the W1/2 of NE1/4 of Section 34, Township 16 North, Range 12 East of the Indian Meridian, Okmulgee County, State of Oklahoma, as more particularly described as follows: Beginning at the Northeast corner of said section 34 a cross 5.15 feet West of centerline of Highway 75; thence South along the East line of Section 34 to the Southeast corner of NE1/4 of NE1/4 of said Section 34, being a iron pin, a distance of 1324.12 feet to the point of beginning; thence N 89° 52' 28" W along the south line of NE1/4 of NE1/4 of said Section 34 to the Southwest Corner of NE1/4 of NE1/4, being an iron pin, a distance of 1333.78 feet; thence North 0° 02' 47" West along the West line of the NE1/4 of NE1/4 of Section 34 to the North line of said Section 34, a distance of 1323.14 feet to a point; thence N 89° 55' 00" West along the North line of said Section 34 a distance of 681.54 feet to a point; thence South a distance of 2185.75 feet to an iron pin being 458.55 feet North of the South line of NE1/4 of Section 34 and 649.74 feet East of the West line of NE1/4 of Section 34; thence S 89° 48' 18" East to the East line of said Section 34, a distance of 2016.41 feet to an iron pin; thence North along the East line of said Section 34 a distance of 865.58 feet to the point of beginning. LESS AND EXCEPT the Right of

way for the County Road on the North and State Highway 75 on the East.

- C. Real Property commonly known as 7505 E. 111<sup>th</sup> Street, Tulsa, Tulsa County, Oklahoma, more particularly described as follows:

The Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) of Section Twenty-six (26), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS AND EXCEPT that tract of land beginning at the Southwest corner of the SW/4 of the SE/4 of said Section 26, thence North a distance of 330 feet, thence East a distance of 330 feet, thence South a distance of 330 feet, thence West a distance of 330 feet to the point of beginning, said portion containing 2.5 (2 ½) acres, more or less and less a tract of land beginning at a point 945.86 feet North of the South Section line and 241.59 feet East of the West boundary of the SWSE; thence East 104 feet, thence North a distance of 105 feet, thence West a distance of 104 feet, thence South 105 feet to the point of beginning, containing .25 (1/4) acres more or less.

And all contents, buildings, appurtenances, and improvements thereon;

**2. CONVEYANCES:**

- A. 1996 Lexus, VIN JT8BH22F5T0061541;
- B. 1998 Kawasaki Mule;
- C. 1998 Jeep Wrangler, VIN# 1J4FY49S7WP803638;
- D. 2001 Harley-Davidson Motorcycle, VIN #1HD1FRW1X1Y601991;
- E. 2001 Chevrolet Suburban, VIN# 3GNFK16T51G201182;

**3. MOBILE HOME:**

1998 Fleetwood Mobile Home.

**4. INVESTMENT IN NEIGHBORHOOD FINANCIAL CENTER:**

Neighborhood Financial Center investment interest of Defendant WILLIAM R. BARTMANN, and investment interest of Defendant WILLIAM R. BARTMANN through any family member, and through any other party.

All in violation of Title 18, United States Code, Section 982, and in accordance with Rule 32.2 of the Federal Rules of Criminal Procedure.

A TRUE BILL.

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Foreman

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DAVID E. O'MEILIA  
United States Attorney  
Northern District of Oklahoma